
IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

BRADFORD LAINE SALTERS,

Plaintiff(s),

v.

SMITH'S FOOD AND DRUG,

Defendant(s).

**ORDER ADOPTING REPORT &
RECOMMENDATION**

Case No. 2:08CV901DAK

This case was assigned to United States District Court Judge Dale A. Kimball, who then referred it to United States Magistrate Judge David Nuffer under 28 U.S.C. § 636(b)(1)(B). On August 8, 2009, Judge Nuffer issued a Memorandum Decision Order and Report and Recommendation, recommending that Defendant's Motion to Dismiss be granted because Plaintiff has failed to serve Defendant within the 120 days required by Rule 4 of the Federal Rules of Civil Procedure.

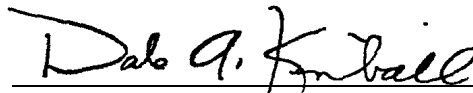
The Report and Recommendation also notified the parties that they had ten days after receipt of the Report and Recommendation to file any objections to it. No objection has been filed to the Report and Recommendation as of the date of this order.

The court has reviewed the file *de novo*. The court agrees with the Magistrate Judge's reasoning in his Report and Recommendation. The court approves and adopts the

Magistrate Judge's Report and Recommendation in its entirety. Accordingly, Defendant's Motion to Dismiss is GRANTED and this case is DISMISSED WITHOUT PREJUDICE.

DATED this 26th day of August, 2009.

BY THE COURT:

A handwritten signature in black ink, reading "Dale A. Kimball", written over a horizontal line.

DALE A. KIMBALL
United States District Judge